

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STANDING ORDER FOR CIVIL CASES BEFORE JUDGE VINCE CHHABRIA

CONFORMITY WITH RULES

1. The parties shall follow the Federal Rules of Civil Procedure, the Civil Local Rules, and the General Orders of the Northern District of California, except as superseded by this Court's standing order.

EMERGENCY APPLICATIONS

2. Counsel should call and email Judge Chhabria's Courtroom Deputy, Kristen Melen, to notify her if they submit an application for a temporary restraining order, a stipulation that requires a response from the Court within 24 hours, or any other emergency request.

3. When a party files an application for a temporary restraining order, or other emergency application, the opposing party should not file a response unless instructed to do so by the Court. The Court will not grant such an application without requesting a response from the opposing party.

SCHEDULING

4. Civil case management conferences will be conducted Tuesdays at 10:00 a.m. (or, if telephonically, at 11:00 a.m.). Civil law and motion calendar will be conducted on Thursdays at 10:00 a.m. Pretrial conferences will be held on Tuesdays at 1:30 p.m. Special settings (such as evidentiary hearings and the like) will be conducted on Wednesdays at 10:00 a.m.

5. Counsel need not reserve hearing dates but should check Judge Chhabria's calendar on the Court's website to make sure the desired date is available. The parties may not specially set any matter without leave of the Court.

1 6. Counsel for the moving party should confer with opposing counsel about a
2 mutually convenient hearing date before noticing any motion.

3 7. No changes to the Court's schedule shall be made except by order of the Court.
4 Any motion to continue a hearing or case management conference must be made no later than 72
5 hours prior to the scheduled appearance.

6 8. Any request for an extension of a filing deadline (other than an extension that the
7 rules allow the parties to arrange between themselves without a court order) must be filed no later
8 than 72 hours prior to the deadline.
9

10 **CASE MANAGEMENT CONFERENCES**

11 9. The attorney appearing at a case management conference need not be lead counsel
12 but must have full authority to make decisions about any issue that may come up during the
13 conference.
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15 10. If the parties wish to continue a case management conference, they must file a
16 stipulation or motion—separate from their joint case management statement—at least 72 hours
17 prior to the conference.
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19 **TELEPHONIC APPEARANCES**

20 11. Attorneys located outside the Northern District of California may arrange to
21 participate in case management conferences by phone. Attorneys located in the Northern District
22 may only appear by phone with leave of the Court, which will not be granted absent a showing of
23 good cause. However, in the event one attorney appears by phone, all attorneys must appear by
24 phone, and the conference will be conducted from chambers. Arrangements to participate by
25 phone must be made at least seven days in advance with Judge Chhabria's Courtroom Deputy,
26 Kristen Melen.
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28 12. Any attorney who wishes to argue at a motion hearing may not appear

1 telephonically. Counsel appearing telephonically may listen to the hearing, but may discuss only
2 scheduling matters.

3 13. Counsel appearing telephonically must use a direct-dial landline.

4 **DISCOVERY**

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6 14. Discovery disputes should be brought to the Court's attention as early as possible.
7 Ordinarily, the Court will not push back a trial date because of discovery disputes. If the parties
8 cannot resolve their discovery dispute after a good faith effort, they shall prepare and file a joint
9 letter of no longer than five pages stating the nature and status of their dispute. Both sides should
10 submit proposed orders as well. No exhibits may be submitted with the letter other than any
11 discovery request or response that is the subject of the letter. The Court will either resolve the
12 dispute on the papers, require the parties to appear, or refer the case to a magistrate judge for
13 discovery purposes.
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15 15. Parties requesting a protective order are encouraged to base any proposed order on
16 the model protective orders on the Court's website
17 (<http://www.cand.uscourts.gov/stipprotectorder>). When filing a proposed protective order, parties
18 are required to indicate whether they have based their proposed order on one of the Court's model
19 protective orders and, if so, identifying any deviations from the model order.
20

21 **COURTESY COPIES OF FILINGS**

22 16. Courtesy copies of all motions, oppositions, and replies (and supporting papers)
23 must be delivered to the Clerk's Office no later than noon on the court day following the day that
24 the document was electronically filed. The papers should be three-hole punched. Note: This rule
25 differs from Civil Local Rule 5-1(e)(7)(A).
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PROPOSED ORDERS

17. Proposed orders are not necessary for most substantive motions, such as motions for summary judgment, motions to dismiss, or preliminary injunction motions. The parties need only submit proposed orders in connection with administrative motions, ex parte applications, discovery disputes, and any substantive rulings that call upon the court to make factual findings (such as a motion to approve a class settlement or a motion for attorney's fees).

BRIEFS

18. Unless expressly permitted by the Court, briefs in support of and in opposition to all substantive motions (except for summary judgment motions, class certification motions, and motions in patent cases, as discussed below) may not exceed 15 pages, and reply briefs may not exceed 10 pages. These page limits exclude the title page, indices of cases, table of contents, and exhibits, but not summaries of argument.

19. Motions to increase page limits will almost never be granted, but any such motion must be filed no later than 72 hours before the brief is due.

20. Simultaneous briefing is not permitted for any type of motion.

MOTIONS TO DISMISS

21. Ordinarily, when a defendant files a motion to dismiss (for the first time), the Court will issue an order giving the plaintiff an opportunity to file an amended complaint instead of opposing the motion. Absent exceptional circumstances, this will be the plaintiff's only opportunity to amend the complaint in response to the arguments raised in the motion to dismiss. If the plaintiff does amend, the initial motion to dismiss will be denied as moot, and the defendant will be given three weeks to file an answer or file a new motion to dismiss.

SUMMARY JUDGMENT

22. The parties need not file joint or separate statements of undisputed fact in connection with summary judgment motions.

23. At the summary judgment hearing and/or in the briefs, the parties should not hesitate to alert the Court of the need for a prompt ruling in light of their trial preparation schedule.

24. Unless expressly permitted by the Court, briefs in support of and in opposition to summary judgment motions cannot exceed 25 pages, and reply briefs cannot exceed 15 pages. Motions to increase page limits will almost never be granted, but any such motion must be filed no later than 72 hours before the brief is due.

25. In the event of cross-motions for summary judgment, the parties must file a total of four briefs sequentially, rather than three pairs of simultaneous briefs. Unless the parties agree to reverse the order (which they are free to do on their own), the opening brief is filed by the plaintiff side, the opening/opposition brief is filed by the defense side, the opposition/reply is filed by the plaintiff side, and the reply is filed by the defense side. The first two briefs are limited to 25 pages, the third brief is limited to 20 pages, and the fourth brief is limited to 15 pages. The parties may submit a stipulation and proposed order setting a briefing schedule for the cross-motions, which will likely be signed so long as the fourth brief is due no later than 14 days before the hearing date.

CLASS CERTIFICATION

26. Briefs in support of or opposition to class certification motions cannot exceed 25 pages, and reply briefs cannot exceed 15 pages.

PATENT CASES

27. Parties should follow the Local Patent Rules of the Northern District of California

1 except when those rules conflict with this standing order.

2 28. Absent a compelling reason, the Court will only conduct claim construction in
3 conjunction with a dispositive motion. However, parties should still follow Rules 4-1 through 4-4
4 of the Patent Local Rules. Rules 4-5 and 4-6, on the other hand, will give way to the details
5 provided in paragraphs 29 and 30 below.

6 29. The opening summary judgment (and claim construction) brief, as well as the
7 opposition brief, cannot exceed 40 pages. The reply brief cannot exceed 20 pages.
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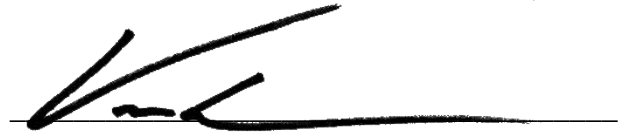
9 30. In the event of cross-motions for summary judgment, the parties must file a total of
10 four briefs sequentially, rather than three pairs of simultaneous briefs. Unless the parties agree to
11 reverse the order, the opening brief is filed by the party asserting infringement, the
12 opening/opposition brief is filed by the defense, the opposition/reply is filed by the plaintiff, and
13 the reply is filed by the defense. The first two briefs are limited to 40 pages, the third brief is
14 limited to 30 pages, and the fourth brief is limited to 20 pages.
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16 **HEARINGS AND TENTATIVE RULINGS**

17 31. The Court will not ordinarily issue tentative rulings, but it typically announces its
18 tentative thinking at the outset of the hearing.
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20 **IT IS SO ORDERED.**

21 Dated: December 19, 2014
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23 
24 Vince Chhabria
25 United States District Judge
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